

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RIAN M MCMASTER,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-cv-00337-SEB-DML
)	
INDIANAPOLIS METROPOLITAN POLICE)	
DEPARTMENT,)	
MICHAEL PRICE Indianapolis Metropolitan)	
Police Officer,)	
DUSTIN GREATHOUSE Indianapolis Police)	
Officer,)	
CITY OF INDIANAPOLIS,)	
)	
Defendants.)	

ORDER ON MOTION TO DISMISS (DKT. 17)

Plaintiff sued Defendants in Marion Superior Court under 42 U.S.C. § 1983 for constitutional and state-law torts. Defendants removed the action to this Court. Now before the Court is a motion to dismiss for failure to state a claim, Fed. R. Civ. P. 12(b)(6), filed by Defendant Indianapolis Metropolitan Police Department (IMPD) on the grounds that it is not a suable entity under state law. *See* Fed. R. Civ. P. 17(b).

As we have explained before,

Under Indiana law, a municipal police department is neither established as a separate legal entity nor granted the capacity to sue or be sued. *Martin v. Fort Wayne Police Dept.*, 2011 WL 781383, at *6 (N.D. Ind. February 28, 2011). “Because a city’s police department ‘is merely a vehicle through which the city government fulfills its policy functions,’ it is not a proper defendant in a civil rights suit under § 1983.” *Mason v. City of Indianapolis*, 2007 WL 2700193, at *8 (S.D. Ind. Sept. 11, 2007) (quoting *Jones v. Bowman*, 694 F. Supp. 538,

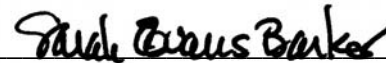
544 (N.D. Ind. 1988)); *see also Martin*, 2011 WL 781383, at *6 (finding that a police department is a division or arm of the municipality and therefore not a suable entity under Section 1983).

Branson v. Newburgh Police Dep't, 849 F. Supp. 2d 802, 808 (S.D. Ind. 2011) (Young, J.)

Accordingly, IMPD, an Indiana municipal police department, is not a suable entity. IMPD's motion to dismiss is therefore GRANTED.

IT IS SO ORDERED.

Date: 3/18/2019



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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